

SENATE BILL 1237

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 19, Part 1 and Title 3, Chapter 1, Part 1, relative to legislatively produced materials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 3-1-115.

(a) Each house of the general assembly is authorized by rule to permit, limit or control the use of audio/video materials produced by or under the direction of the general assembly or of a house, committee or agency of the general assembly in such manner as it deems appropriate, to the full extent authorized by Article II of the Tennessee Constitution. For the purposes of this act, any rule authorizing, limiting or controlling the use of such materials shall remain in full force and effect following the sine die adjournment of the general assembly in which such rule was adopted until the date of the adoption of the rules of the house or senate of the following general assembly.

(b) If the house or senate by its rules permits, controls or limits such use, the general assembly or the house that produced the audio/video materials or under whose direction the materials were produced shall have a cause of action, which may include injunctive relief pursuant to the Tennessee Rules of Civil Procedure, Rule 65, for the recovery of such materials and any proceeds derived by any person from the unauthorized use of such audio/video materials. Any such action shall be initiated by the attorney general and reporter pursuant to the direction of the general assembly or the speaker of the house or the senate. In any such action, the legislative entity shall be entitled to recover reasonable attorney fees and court costs. All such fees and costs shall be assessed against such person and awarded to the legislative entity.

(c) If the house or senate by its rules permits, controls or limits such use, the attorney general and reporter shall advise the media, candidates for state offices and political parties of the date such rules are adopted in each general assembly, the content of such rules, and the penalties as provided in subsection (b) for any unauthorized use as established by rule.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.